

BEFORE THE TENNESSEE STATE BOARD OF EQUALIZATION

IN RE: Barbara Burns Snell Living Trust)
Map 028-00-0, Parcel 170.00) Davidson County
Residential Property)
Tax Year 2005)

INITIAL DECISION AND ORDER

Statement of the Case

The subject property is presently valued as follows:

<u>LAND VALUE</u>	<u>IMPROVEMENT VALUE</u>	<u>TOTAL VALUE</u>	<u>ASSESSMENT</u>
\$41,200	\$90,500	\$131,700	\$32,925

An appeal has been filed on behalf of the property owners with the State Board of Equalization on October 13, 2005 (this was a prorated assessment).

This matter was reviewed by the undersigned administrative law judge pursuant to Tennessee Code Annotated, §§ 67-5-1412, 67-5-1501 and 67-5-1505. A hearing was conducted on May 12, 2006 at the Davidson County Property Assessor's Office. Present at the hearing were Barbara Snell, the appellant, and Davidson County Property Assessor's representative, Jason Poling.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Subject property consists of a single family residence located at 3191 Ridge Hill Drive in Joelton, Tennessee.

The taxpayer contends that the property is worth \$50,000 based on what she paid for her trailer plus the hook-up and cost for the deck. Additionally, she can only get insurance to cover the cost at \$36,000.

The assessor contends that the property should remain valued at \$131,700.

The presentation by the taxpayer shows that a lot of time and effort was put into preparing for this hearing. The taxpayers exhibits (collective exhibit #1) shows that thoughtful planning and research were used in the compilation; however, the germane issue is the value of the property as of January 1, 2005.

The basis of valuation as stated in Tennessee Code Annotated Section 67-5-601(a) is that “[t]he value of all property shall be ascertained from the evidence of its sound, intrinsic and immediate value, for purposes of sale between a willing seller and a willing buyer without consideration of speculative values. . .”

After having reviewed all the evidence in this case, the administrative judge finds that the subject property should be valued at \$77,200 based upon the principal of

functional obsolescence.¹ This matter was a direct appeal due to the prorated assessment. The county did not produce any documents to support their contention of value.

With respect to the issue of market value, the administrative judge finds that the taxpayer simply introduced sufficient evidence to affirmatively establish the market value of subject property as of January 1, 2005, the relevant assessment date pursuant to Tenn. Code Ann. § 67-5-504(a). The taxpayer has sustained her burden.

ORDER

It is therefore ORDERED that the following value and assessment be adopted for tax year 2005:

<u>LAND VALUE</u>	<u>IMPROVEMENT VALUE</u>	<u>TOTAL VALUE</u>	<u>ASSESSMENT</u>
\$41,200	\$36,000	\$77,200	\$19,300

It is FURTHER ORDERED that any applicable hearing costs be assessed pursuant to Tenn. Code Ann. § 67-5-1501(d) and State Board of Equalization Rule 0600-1-.17.

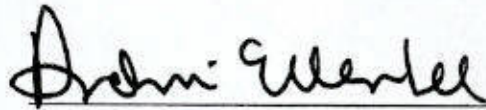
Pursuant to the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-301—325, Tenn. Code Ann. § 67-5-1501, and the Rules of Contested Case Procedure of the State Board of Equalization, the parties are advised of the following remedies:

1. A party may appeal this decision and order to the Assessment Appeals Commission pursuant to Tenn. Code Ann. § 67-5-1501 and Rule 0600-1-.12 of the Contested Case Procedures of the State Board of Equalization. Tennessee Code Annotated § 67-5-1501(c) provides that an appeal **“must be filed within thirty (30) days from the date the initial decision is sent.”** Rule 0600-1-.12 of the Contested Case Procedures of the State Board of Equalization provides that the appeal be filed with the Executive Secretary of the State Board and that the appeal **“identify the allegedly erroneous finding(s) of fact and/or conclusion(s) of law in the initial order”**; or
2. A party may petition for reconsideration of this decision and order pursuant to Tenn. Code Ann. § 4-5-317 within fifteen (15) days of the entry of the order. The petition for reconsideration must state the specific grounds upon which relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking administrative or judicial review; or
3. A party may petition for a stay of effectiveness of this decision and order pursuant to Tenn. Code Ann. § 4-5-316 within seven (7) days of the entry of the order.

¹ An element of depreciation (diminished value) resulting from deficiencies in the structure. *The Dictionary of Real Estate Appraisal*, 4th ed., 2002. Functional Obsolescence is caused by a flaw in the structure, materials or design of the improvement. . . *The Appraisal of Real Estate*, 12th ed., 2001.

This order does not become final until an official certificate is issued by the Assessment Appeals Commission. Official certificates are normally issued seventy-five (75) days after the entry of the initial decision and order if no party has appealed.

ENTERED this 31st day of May, 2006.



ANDREI ELLEN LEE
ADMINISTRATIVE JUDGE
TENNESSEE DEPARTMENT OF STATE
ADMINISTRATIVE PROCEDURES DIVISION

c: Ms. Barbara Burns Snell
Jo Ann North, Assessor of Property